

Memorandum

To : ALL STANDARDS BOARD MEMBERS

Date: February 3, 2004

From : **Division of Occupational Safety and Health**
Len Welsh, Acting Chief

Subject : **Section 1529(g), Asbestos Control Measures**

At the January 15, 2004 Public Hearing, the Occupational Safety and Standards Board considered revisions to California Code of Regulations, Title 8, Construction Safety Orders, Section 1529(g), Asbestos Control Measures. These standards are substantially the same as federal standards.

Labor Code Section 142.3(a)(3) exempts the Board from providing a comment period when adopting a standard substantially the same as a federal standard. However, as indicated in the Notice and Informative Digest, the Board still provided a comment period for the purpose of identifying only issues related to the following three areas: 1) any clear and compelling reasons for California to deviate from the federal standards; 2) any issues unique to California related to this proposal which should be addressed in this rulemaking and/or subsequent rulemaking; and, 3) solicit comments on the proposed effective date.

There were no oral or written comments received and there were no changes made to the original proposal. In a review of the original cost estimate, it was determined that no additional costs are anticipated based on this proposal. Asbestos contractors are currently using these proposed control measures as a common and pervasive industry practice. Moreover, private liability considerations virtually ensure that contractors will use the measures made mandatory by the proposed amendment. The Division is required by law to administer a program that requires asbestos contractors to apply for a license from the Division to engage in asbestos-related work. In a review of over 100 of these applications submitted in the last five years to the Division, every applicant indicated they used the measures made mandatory by the proposed amendments to control asbestos exposure.

SUMMARY OF WRITTEN AND ORAL COMMENTS

No written or oral comments were received.

DETERMINATION OF MANDATE

This regulation does not impose a mandate on local agencies or school districts as indicated in the Staff Development Memorandum.